



December 1, 2010

Governor-elect Jerry Brown
State Capitol Building Suite 1173
Sacramento, CA 95814

The Honorable Ken Salazar
Secretary
Department of Interior
1849 C Street NW
Washington, DC 20240

Dear Governor-elect Brown and Secretary Salazar:

Over the past four years, the members of the Bay Delta Conservation Plan (BDCP) Steering Committee and other interested organizations have invested significant resources and made substantial progress towards developing a Plan that will restore the Bay-Delta ecosystem while improving water supply reliability for water exporters. This Plan must satisfy the requirements of the federal Endangered Species Act (ESA) and state Natural Community Conservation Plan Act (NCCPA) in order to warrant a permit with a 50-year term. We remain committed to achieving these goals in the BDCP and in other related processes.

On November 18, 2010, the BDCP Steering Committee issued a progress report (attached) that accompanied a draft, which is still very much a work in progress. Despite progress to date, the Steering Committee's progress report acknowledges that some chapters have either not been reviewed by the Steering Committee, are incomplete, disputed, or otherwise still under

development as indicated in the editorial notes to reviewers at the beginning of each chapter (attached). Indeed, our organizations oppose some critical elements of the draft chapters as we have expressed in previous communication to the Steering Committee.

These Notes to Reviewers identify critical next steps for expeditiously developing and completing the Plan. We emphasize that the state and federal governments must provide significant additional leadership to address a number of critical outstanding issues and expedite completion of the BDCP. These include:

- Identifying the biological objectives that will define the Plan and guide its implementation;
- Correcting the flawed methods and premises of the ongoing effects analysis;
- Analyzing a sufficient range of conservation strategies (including operational regimes and conservation measures) to allow for the description of a credible proposed project that complies with the State's policy "to reduce reliance on the Delta for meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." This analysis should include modeling of State Water Resources Control Board recommendations for public trust flows, as required by the Delta Reform Act of 2009 to inform development of the BDCP;
- Measuring (with the revised effects analysis) the extent to which different conservation strategies will achieve biological objectives and iteratively revising Plan components to craft a Plan that will best advance progress toward biological objectives;
- Determining the appropriate size of a new conveyance facility to complement the Plan's biological objectives and commensurate controls to ensure that those objectives are achieved;
- Establishing a sufficiently broad adaptive management process and related implementing institutional structures so that, over time, BDCP performance can be measured, improved and adjusted to reflect changing scientific understanding and changing environmental conditions (e.g. sea level rise and warming temperatures).

Strong leadership from both federal and state agencies will be necessary to create a more transparent and effective planning process in order to correct and complete these and other unresolved issues. To create an acceptable and durable final Plan, we recommend the following changes to the BDCP planning process:

- The Steering Committee process should be substantially reformed to include other key stakeholders, such as delta communities and fishing organizations, to provide an opportunity for key stakeholders to shape the Plan;
- Results of modeling and analysis should be made available to all stakeholders and they should have reasonable access to and support from the consulting team (as defined by the Steering Committee) on a timely basis to inform development of the conservation strategy;
- The Steering Committee should rely on smaller technical work groups and/or policy level subcommittees to efficiently resolve outstanding issues rather than deferring key issues or attempting to resolve them in large group meetings;

- The Steering Committee should recommit to open and public meetings;
- Meetings of the Steering Committee and subcommittees should be professionally and independently facilitated and supported by the technical consultant to ensure that their proceedings are efficient and the disposition of all issues is well-documented and publicly available;
- All written comments regarding Plan elements should be addressed and a written rationale provided when recommendations are not incorporated into the Plan;
- The Steering Committee and the lead agencies should develop a realistic timeline for completing a quality Plan;
- Federal and state agencies should lead the planning process, with a goal of achieving consensus (or at least substantial support) from the Steering Committee.

Our organizations are committed to working with the state and federal governments towards rapid resolution of the numerous outstanding substantive issues with the BDCP. We believe that the best interests of all parties will be served by reforming the BDCP process in 2011, such that it focuses on resolving outstanding substantive issues while encouraging all of the stakeholders to explore, learn, and share the burden of uncertainty.

We look forward to working with you in this next phase of BDCP to craft an HCP/NCCP that protects California's natural resources and establishes a sustainable basis for our economy.

Sincerely,



Laura Harnish
Environmental Defense Fund



Kim Delfino
Defenders of Wildlife



Campbell Ingram
The Nature Conservancy



Tina Swanson
The Bay Institute



Doug Obegi
Natural Resources Defense Council



John R. Cain
American Rivers

Progress Report on the Bay Delta Conservation Plan
April 28, 2006 - November 18, 2010

The members of the Bay Delta Conservation Plan (BDCP) Steering Committee provide this memorandum reporting on our progress in developing a plan to achieve the co-equal goals of restoring the ecosystem and water supply reliability of the Sacramento-San Joaquin River Delta, while enhancing the unique values of the Delta as an evolving place. The November 18, 2010 draft of the plan, which is a work in progress as described in paragraph 4 below, is attached. This is the first time the draft plan has been compiled in one place and provides an opportunity for the Steering Committee and members of the public to review and formulate opinions about how to best proceed with further development and revisions of the plan in 2011.

1. Under our Planning Agreement (2006, amended 2009), the BDCP is intended to establish a conservation strategy for the Delta infrastructure and operations of the State Water Project and Central Valley Project, as well as the powerplant operations of Mirant Corporation. It is specifically intended to assure that these and any other covered activities comply with the requirements of the federal and state Endangered Species Act, Natural Community Conservation Planning Act, and other applicable laws, over a plan term up to 50 years.
2. The Steering Committee consists of the California Department of Water Resources, the U.S. Bureau of Reclamation, federal (*ex officio* members) and state permitting agencies water contractors, environmental organizations, and other stakeholders. Pursuant to the Delta Reform Act of 2009, the Delta Stewardship Council participates as an Interested Observer. As provided in the Planning Agreement, meetings of the Steering Committee are open to the public. Since formation, the Steering Committee has met 122 times to review scientific analyses, other planning documents, and draft plan chapters, taking public comments into account. The Steering Committee convened various subcommittees and workgroups, and commissioned independent scientific reviews, which substantially assisted in plan development. On a parallel track, lead State and Federal agencies initiated environmental review under the National Environmental Policy Act and California Environmental Quality Act. The cumulative investment by members, consultants, other stakeholders and members of the public in this planning process exceeds several hundred thousand hours of time, reflecting the extraordinary importance – and difficulty – of preparing such a complex conservation plan that includes redesigning the Delta water supply infrastructure (built several generations ago) to advance co-equal goals in this highly altered ecosystem.
3. The November 18, 2020 draft represents the progress toward a conservation strategy intended to achieve the co-equal goals, as described in “Points of Agreement” (2007) and “An Overview of the Draft Conservation Strategy for the BDCP” (2009). The approach includes integrated elements: new conveyance infrastructure and operational criteria, restoration of habitat for covered species and their communities, measures to address stressors other than water supply operations, and provisions for adaptive management over the plan term.
4. The Steering Committee has reviewed various drafts of most plan chapters over the course of the past four years. As of November 18, 2010, the draft plan includes chapters and sub-chapters

Progress Report
November 18, 2010

that have undergone varying levels of input and review by the Steering Committee, including portions that have been reviewed and revised multiple times as well as new and revised language that has not yet been reviewed. On the whole, some elements of this plan are clearly defined, while others are incomplete, disputed among members, or otherwise under development, as indicated in editorial notes to reviewers in the chapters.

5. The Steering Committee believes that we have made substantial progress towards a complete plan. As stated in the Points of Agreement and Overview, and again in this draft, an integrated conservation strategy that addresses habitat and other stressors, as well as operational rules for the water supply projects, will be necessary to restore the ecosystem.

6. Recognizing the vital importance of this effort, the Steering Committee will continue to work on the remaining elements of this plan. Editorial notes in the plan chapters highlight those elements. One critical task is resolution of scientific issues related to the complex set of analytical methods to evaluate the benefits for covered species (Chapter 5). Once these issues are resolved, the analysis will be used to test the effectiveness and indicate the need for potential modifications of the conservation strategy. Related tasks include further development of plan objectives for ecosystem benefits (Chapter 3.3), regulatory assurances (Chapter 6.3), and iterative use of the effects analysis to refine the conservation measures. In addition, the Steering Committee must review and revise the current draft to assure that all prior comments on all chapters have been adequately addressed and resolved.

7. Our Planning Agreement as amended in 2009 provides that the draft plan and the associated draft Environmental Impact Statement/Report will be completed in 2011. The members of the Steering Committee commit to continue to work in a cooperative and open process to assist in the expeditious completion of a science-based and legally sufficient draft plan that will achieve the co-equal goals of Delta ecosystem restoration and water supply reliability.

NOTES TO REVIEWERS FOR BDCP CHAPTERS AND SELECTED SECTIONS

This handout provides the Note to Reviewers to go at the head of the BDCP document and at the head of each chapter and selected sections as discussed at the November 18, 2010 Steering Committee.

BAY DELTA CONSERVATION PLAN – NOVEMBER 18, 2010 WORKING DRAFT

[Note to Reviewers: This November 18, 2010 working draft of the Bay Delta Conservation Plan (BDCP) contains chapters and major chapter sections that are in different stages of development by the SAIC Consultant Team and review by the BDCP Steering Committee. The BDCP Steering Committee members have submitted comments to various drafts of the chapters and chapter sections during development, which may or may not have been incorporated into this November 18, 2010 draft. Addressing such comments will be part of the continuing process of developing the BDCP. While the text of this document is subject to change and revision as the BDCP planning process progresses, the document has been drafted and formatted to appear as it may in a completed draft HCP/NCCP. Although the document includes declarative statements (e.g., the Implementation Office will...), it is nonetheless a “working draft” that will undergo further modification based on input from the BDCP Steering Committee, state and federal agencies, and the public.]

Chapter 1. Introduction

[Note to Reviewers: This is a revised version of BDCP Chapter 1 Introduction. The last draft of Chapter 1 was presented to the Steering Committee at the August 26, 2010 meeting. Revisions have been made throughout the text to address comments received, to clarify concepts, and to bring the document up to date with the progress on various components of the BDCP in 2010. The BDCP Steering Committee members have submitted comments to various drafts of this chapter during development, which may or may not have been incorporated into this November 18, 2010 draft. While the text of this chapter is subject to change and revision as the BDCP planning process progresses, the chapter has been drafted and formatted to appear as it may in a completed draft HCP/NCCP. Although the chapter includes declarative statements (e.g., the Implementation Office will...), it is nonetheless a “working draft” that will undergo further modification based on input from the BDCP Steering Committee, state and federal agencies, and the public.]

Chapter 2. Existing Ecological Conditions

[Note to Reviewers: This is a revised version of BDCP Chapter 2, Existing Ecological Conditions. The last draft of Chapter 2 was presented to the Steering Committee at the October 7, 2010 meeting. Revisions have been made throughout the text to address comments received, to clarify concepts, and to bring the document up to date with the progress on various components of the BDCP in 2010. The BDCP Steering Committee members have submitted comments to various drafts of this chapter during development, which may or may not have been incorporated

into this November 18, 2010 draft. While the text of this chapter is subject to change and revision as the BDCP planning process progresses, the chapter has been drafted and formatted to appear as it may in a completed draft HCP/NCCP. Although the chapter includes declarative statements (e.g., the Implementation Office will...), it is nonetheless a “working draft” that will undergo further modification based on input from the BDCP Steering Committee, state and federal agencies, and the public.]

Chapter 3. Conservation Strategy

[Note to Reviewers: This is a revised version of BDCP Chapter 3, Conservation Strategy prepared by the Consultant. The drafts of various subsections of Chapter 3 were provided by the Consultant to the Steering Committee between July 2009 and November 2010. This version of Chapter 3 combines the various subsections for the first time. Revisions to draft subsections have been made throughout the text to address comments received, to clarify concepts, and to bring the document up to date with the progress on the subsections. The BDCP Steering Committee members have submitted comments to various drafts subsections of this chapter during development, which may or may not have been incorporated into this November 18, 2010 draft. While the text of this chapter is subject to change and revision as the BDCP planning process progresses, the chapter has been drafted and formatted to appear as it may in a completed draft HCP/NCCP. Although the chapter includes declarative statements (e.g., the Implementation Office will...), it is nonetheless a “working draft” that will undergo further modification based on input from the BDCP Steering Committee, state and federal agencies, and the public.]

Chapter 3 includes statements that describe the anticipated results of the Effects Analysis. As stated in the note to reviewer in Chapter 5, Effects Analysis, the effects analysis is not complete and is ongoing. Statements in Chapter 3 regarding the Effects Analysis may need to be revised once the Effects Analysis is complete. The Steering Committee may revise, add, or delete one or more conservation measures to better achieve goals specified in the planning agreement and objectives may be revised or developed through the logic chain process.

The most recent draft of the Terrestrial Resources Conservation Strategy was provided to the Steering Committee on November 4, 2010. Work is continuing with Steering Committee representatives to further refine the Terrestrial Resource Goals and Objectives and Conservation Strategy. Due to the ongoing development and refinement of the Terrestrial Conservation Strategy, the terrestrial effects analysis will need to be revisited to reflect any changes in the strategy.]

Section 3.3. Biological Goals and Objectives

[Note to Reviewers: The BDCP consultants most recently provided preliminary covered fish species goals and objectives in July 2009. Those objectives are being developed, refined, and revised using the logic chain process, which has been informed by independent science review. The logic chain process is intended to inform plan development and implementation. It is not intended to identify regulatory requirements, nor will every objective developed using the logic chain be incorporated into the BDCP conservation strategy. The objectives below reflect the

current work in progress from the consultants. The level of detail for longfin smelt, for example, represents the level of detail the logic chain process will ultimately develop for other species. The objectives below do not represent a consensus position of the Steering Committee regarding the objectives of the BDCP.

Ecosystem- and natural community-level goals and objectives, which were not addressed by the Logic Chain Group, are provided in sections 3.3.2.1 and 3.3.2.2 and were derived from the July 2009 draft Conservation Strategy and the November 2010 Terrestrial Conservation Strategy.

Next Steps for Completing Goals and Objectives

The following outlines recommended steps for continuing and completing the development of objectives and metrics in accordance with the Logic Chain process as revised per input from the August 2010 Logic Chain independent review panel. These next steps are intended to build on the discussions and subsequent work products from the logic chain workshop held on October 26-27, 2010.

1. **Complete Logic Chain Objective Worksheets** – convene additional technical workshops to complete specific species worksheets.
 - a. Convene subteam for focused meetings to discuss and finalize the worksheets.
 - b. Where existing information is insufficient to establish numeric targets, the subteams will identify specific study needs to develop such information, including a timeframe for conducting such.
 - c. Where there is disagreement regarding an objective, or metric, the details of the disagreement will be documented for resolution at a policy level.

Timeframe: The goal is to be done by end of January 2011.
2. **Revise Community Goals** –review and revise ecosystem and natural community goals as necessary to be consistent with the species objectives.

Timeframe: The goal is to be done by end of January 2011.
3. **Review Proposed Conservation Measures in Light of Consensus Objectives** – once objectives have been agreed to, review existing conservation measures to identify gaps and make changes as needed.

Timeframe: The goal is to be done by end of February 2011.
4. **Refine Proposed Metrics** – based on #1, #2, #3 above, refine or revise the draft metrics proposed in section 3.6.

Timeframe: To the extent possible, refinements should be complete by the end of February in order to allow inclusion in the complete draft plan. It has not been determined at this time the level of detail necessary prior to BDCP authorization/permitting and the additional refinements that could be developed after the plan has been authorized/permited.
5. **Develop Recommendations for the Monitoring and Adaptive Management Program** – based on all of the above.

Timeframe: Some changes may be recommended after February for inclusion in the

draft plan in 2011, but it is also likely that additional refinements in both programs would be made after BDCP authorization/permitting.]

Section 3.4.2.1 CM 1 Water Facilities and Operation

[Note to Reviewers: On January 29, 2010 the BDCP Steering Committee approved, for the purposes of the detailed Effects Analysis, a set of BDCP initial long-term operating criteria. A table of these criteria can be found in the February 11 Steering Committee agenda packet on the BDCP web site. A companion document titled "Aquatic Conservation Measures Proposed for Effects Analysis under BDCP" can also be found in the February 11 agenda packet and describes the steps that were used to develop this set of criteria. These criteria reflected the thinking of the Steering Committee at that time for the purpose of a comprehensive Effects Analysis. The Steering Committee noted that these criteria might become the final criteria or they might be modified based on the results of the Effects Analysis, evaluation of alternatives under CEQA and NEPA, or efforts to optimize them and permit achievement of the ecosystem and water supply goals of the BDCP. The Steering Committee envisioned an iterative process to refine the conservation strategy, including the development of the final set of initial long-term operating criteria and the adaptive range for these criteria.

An effects analysis has been underway by the SAIC team over the past 10 months and the Steering Committee has been given several presentations on the preliminary results of that analysis. The Effects Analysis continues to be reviewed by the technical staff of the Steering Committee representatives and will be revised as necessary. To date, several issues have been identified that necessitate analysis of potential changes to the initial long-term operating criteria by January 2011. These include:

- North Delta intake configuration related to predation concerns (in-river vs on-bank)*
- Spring-run salmon egg mortality on the Sacramento River in the fall*
- Reduced Sacramento River flows downstream of the north Delta intakes*
- Refinement of April-May south Delta operations*
- Winter-spring X2 and outflow effects on longfin smelt*
- Summer and fall X2 and delta smelt abiotic habitat*

A process has begun to evaluate how modifications to some of the conservation measures, including initial long-term operating criteria, might address some of these issues in a manner that provides a refined approach to fishery protection while being sensitive to the water supply goals. This will lead to an iteration process that will take place for the purpose of describing the final conservation strategy and the initial long-term operating criteria for complete evaluation in the effects analysis. Also, as part of this process, an adaptive range for the operational criteria will be developed.]

Section 3.4.2.2 CM 2 Yolo Bypass Fisheries Enhancement

[Note to Reviewers: Yolo County has proposed specific edits to the content of this conservation measure that will be posted to the BDCP website. These proposed edits will be considered in

subsequent versions of this conservation measure developed prior to the release of the public draft of the BDCP in 2011.]

Section 3.4.4.1 CM12 Methylmercury Management

[Note to Reviewers: This completely revised version of CM12 Methylmercury Management was provided to the Steering Committee on November 18, 2010, and the Steering Committee has not had the opportunity to review it at this time.]

Section 3.5 Potential Conservation Measures to Address Other Stressors

[Note to Reviewers: As the BDCP Conservation Strategy is refined over the next several months, the Potential Conservation Measures described in this section will be further evaluated to determine whether they should be included as conservation measures in the initial BDCP or remain as potential actions that may be adopted as conservation measures at a later date, pursuant to the adaptive management program. The Steering Committee believes that the concepts reflected in these potential conservation measures may effectively address a number of other stressors, but that they require further development before they can serve as conservation measures. As such, Potential Conservation Measures will not be used by the fish and wildlife agencies to provide the basis for the issuance of regulatory authorizations for the BDCP.]

Section 3.6 Monitoring and Research Program

[Note to Reviewers: This draft of the Monitoring and Research Program is revised from the July 27, 2009 draft. The two large monitoring actions tables included in this section are initial drafts that will be revised and refined, as described in the Note to Reviewers in Section 3.3. It is expected that a section will be added in future drafts, specifying in more detail the issues to be addressed by the research program and focus for additional research needs.]

Section 3.7 Adaptive Management Program

[Note to Reviewers: The text of this section of Chapter 3 on adaptive management was revised based on comments by Steering Committee members following the October 21, 2010 meeting. This section is subject to change and revision based on further input from the BDCP Steering Committee.]

Chapter 4. Description of Covered Activities and Associated Federal Actions

[Note to Reviewers: This is a revised version of BDCP Chapter 4, Covered Activities. The last draft of Chapter 4 was presented to the Steering Committee at the October 7, 2010 meeting. Revisions have been made throughout the text to address comments received, to clarify concepts, and to bring the document up to date with the progress on various components of the BDCP in 2010. The BDCP Steering Committee members have submitted comments to various drafts of this chapter during development, which may or may not have been incorporated into this November 18, 2010 draft. While the text of this chapter is subject to change and revision as the BDCP

planning process progresses, the chapter has been drafted and formatted to appear as it may in a completed draft HCP/NCCP. Although the chapter includes declarative statements (e.g., the Implementation Office will...), it is nonetheless a “working draft” that will undergo further modification based on input from the BDCP Steering Committee, state and federal agencies, and the public.]

Chapter 5. Overview of the Effects Analysis

[Note to Reviewers: The Effects Analysis is currently underway and expected to be completed in early 2011 and is an iterative process. This chapter is a summary of an initial draft of the Effects Analysis and has not been read or reviewed by the Steering Committee. It is the consultant’s work product and provides their overview of the Effects Analysis: its development and context; a brief description of the methodologies used; the current status of the Effects Analysis; and the summary of preliminary findings presented in the August 19, 2010 Working Draft and the September 9, 2010 draft enhanced habitat analysis for covered fish species. These preliminary findings are subject to modification as the revised analyses are being completed.]

This draft is a high level summary that captures the consultant’s view of where the effects analysis is as of September 9, 2010. It does not include subsequent findings of the technical “theme teams” or other comments that were developed in the weeks preceding this draft.

Notwithstanding any text to the contrary in this chapter, the Effects Analysis is a work in progress and continues to be reviewed by the technical staff of the Steering Committee representatives and will be revised. To date, several issues have been identified that may necessitate changes to the conservation strategy or initial long-term operating criteria. These include (but are not limited to):

- North Delta intake configuration related to predation concerns (in-river vs on-bank)*
- Spring-run salmon egg mortality on the Sacramento River in the fall*
- Reduced Sacramento River flows downstream of the North Delta intakes*
- Refinement of April-May south Delta operations*
- Winter-spring X2 and outflow effects on longfin smelt*
- Summer and fall X2 and delta smelt abiotic habitat*

The Effects Analysis process has begun to evaluate how modifications to some of the conservation measures, including initial long-term operating criteria (see CMI Note to Reviewers) might address some of these issues in a manner that provides a refined approach to fishery protection while being sensitive to the water supply goals. This will lead to an iteration process involving the Oversight Committee and Steering Committee that will take place for the purpose of describing the final conservation strategy and the initial long-term operating criteria for complete evaluation in the effects analysis. Also, as part of this process, an adaptive range for the operational criteria will be developed.

Further, the theme teams and the Effects Analysis Oversight Team will continue to meet to address and resolve technical comments about the methods used in the analysis, as described in Section 5.3.1. The analysis will be revised once those comments are resolved.

Finally the Steering Committee will further consider whether the results can support a conservation strategy that meets the biological goals and objectives of the BDCP.]

Chapter 6. Plan Implementation

[Note to Reviewers: This is a revised version of BDCP Chapter 6, Implementation Plan. The last draft of Chapter 6 was presented to the Steering Committee at the September 9, 2010 meeting. Revisions have been made throughout the text to address comments received, to clarify concepts, and to bring the document up to date with the progress on various components of the BDCP in 2010. The BDCP Steering Committee members have submitted comments to various drafts of this chapter during development, which may or may not have been incorporated into this November 18, 2010 draft. While the text of this chapter is subject to change and revision as the BDCP planning process progresses, the chapter has been drafted and formatted to appear as it may in a completed draft HCP/NCCP. Although the chapter includes declarative statements (e.g., the Implementation Office will...), it is nonetheless a “working draft” that will undergo further modification based on input from the BDCP Steering Committee, state and federal agencies, and the public.]

Chapter 7. Implementation Structure

[Note to Reviewers: This draft of Chapter 7, Implementation Structure, includes revisions to the November 4, 2010 draft provided to the Steering Committee. Prior drafts of this chapter have been reviewed by the Steering Committee on the following dates: October 22, 2009, October 20, 2010, November 4, 2010. The consultant and certain committee members revised the November 4, 2010 draft in response to comments made by the Steering Committee at the November 4, 2010 meeting; these revisions have not been reviewed by the Steering Committee, to date. The chapter reflects input from a wide range of agencies and stakeholders over several years of development. Although certain issues will require further discussion, this draft reflects a general agreement on both the overall approach and many of the specific details related to an implementation structure for the BDCP. While the text of this chapter is subject to change and revision as the BDCP planning process progresses, the chapter has been drafted and formatted to appear as it may in a completed draft HCP/NCCP. Although the chapter includes declarative statements (e.g., the Implementation Office will...), it is nonetheless a “working draft” that will undergo further modification based on input from the BDCP Steering Committee, state and federal agencies, and the public.]

Chapter 8. Implementation Costs and Funding Sources

[Note to Reviewers: This chapter will ultimately address both estimated BDCP implementation costs and sources of funding that will be relied upon to cover these costs. This draft provides descriptions of the assumptions used to develop cost estimates associated with the implementation of the BDCP conservation measures, program administration, and other Plan

related actions. Cost estimates presented in this chapter are preliminary. Cost estimates are dependent on the consultant's assumptions about how individual actions will be designed and constructed and could change significantly as these assumptions are reviewed and revised by the BDCP Steering Committee and the project applicants. Readers should note that cost estimates include budget contingencies of twenty to fifty percent due to uncertainty regarding the elements of each proposed action. The cost estimates set out in this chapter will also be adjusted as conservation measures are added, deleted, or modified and when more detailed cost information becomes available. Costs for some parts of the Conservation Strategy (e.g., the monitoring and research program) have not been estimated at this time as there is need for additional specific cost information or additional information or refinement to the actions. Section 8.11, Funding Sources and Assurances, will not be prepared until the total cost estimate has been completed, and hence funding needs can be ascertained and a funding plan developed.

No agreement has been reached on the apportionment of funding of the various components of this plan beyond the state and federal contractors' commitment to funding the new conveyance and related mitigation costs. Substantial public and other sources of funding are expected to contribute to the cost of implementing the other elements of the Plan.

The BDCP Steering Committee members have submitted comments to various drafts of this chapter during development, which may or may not have been incorporated into this November 18, 2010 draft. While the text of this chapter is subject to change and revision as the BDCP planning process progresses, the chapter has been drafted and formatted to appear as it may in a completed draft HCP/NCCP. Although the chapter includes declarative statements (e.g., the Implementation Office will...), it is nonetheless a "working draft" that will undergo further modification based on input from the BDCP Steering Committee, state and federal agencies, and the public.]

Chapter 9. Alternatives to Take

[Note to Reviewers: This is a first partial draft of Chapter 9 provided to the Steering Committee for review. As of November 18, 2010, it consists of regulatory standard and evaluation criteria. The evaluation of Alternatives to Take will appear in the next version of this chapter. The Effects Analysis of the BDCP proposed project (Chapter 5) will inform both the development and evaluation of these Alternatives to Take. As such, this section of the chapter will be completed once sufficient information is available from the Effects Analysis to ensure consistency among the BDCP chapters. A brief introduction to this Section 9.3 is provided.]

Chapter 10. Integration of Independent Science in BDCP Development

[Note to Reviewers: Draft text of Chapter 10, Integration of Independent Science in BDCP Development, was provided to the Steering Committee on October 7, 2010. This text is draft and subject to change as the BDCP planning process, including the independent science process, continues. The BDCP Steering Committee members have submitted comments to the October 7, 2010 draft of this chapter, which may or may not have been incorporated into this November 18,

2010 draft. While the text of this chapter is subject to change and revision as the BDCP planning process progresses, the chapter has been drafted and formatted to appear as it may in a completed draft HCP/NCCP. Although the chapter includes declarative statements (e.g., the Implementation Office will...), it is nonetheless a “working draft” that will undergo further modification based on input from the BDCP Steering Committee, state and federal agencies, and the public.]

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